IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5507 OF 2005

WITH

WRIT PETITION NO. 5508 OF 2005

Mahesh Kishanchand Dhanani & Anr. ..Petitioners.

Versus

The Municipal Corporation of Greater Bombay & Ors. ..Respondents.

Mr.Pravin Samdani with S.P.Kanuga with A.G.Bhaktwani for the Petitioners.

Mr. A.J.Bhor for Respondent No.1 Corporation.

Mrs. R.D. Bhatia for Respondent No.3.

CORAM : S. A. BOBDE, J.

DATED : 16TH SEPTEMBER, 2005.

P.C.:

1. After having heard the matter for quite some time, it appears that what is essentially challenged by the petitioners in both the petitions are findings given by the Assistant Municipal Commissioner in the

orders dated 5th August, 2005 and 8th August, 2005 impugned in these W.P.Nos. 5507 and 5508 of 2005 respectively in pursuance of the common order of this court dated 1st July, 2005 passed in A.O.Nos. 578 and 579 of 2005.

2. Mr. Samdani, the learned counsel for the petitioners states that the respondent Corporation has given those findings in support of the notice issued to the petitioners under section 55 of the MRTP Act, 1966, which is the subject matter of Suit Nos. 628/2005 and 629/2005 filed in the City Civil Court from which the aforesaid A.Os.' had arisen. The learned counsel contends that the said suits are now not tenable and that the petitioners would be advised to file a comprehensive petition, challenging the aforesaid notices issued under the MRTP Act and the findings recorded by the Assistant Municipal Commissioner, which are impugned in these petitions.

3. He, therefore, seeks leave to amend.

4. Having regard to the extensive nature of the amendment, that would be necessary if the notices and the findings were to challenge, I am of view that it

would be more convenient, if a comprehensive petition is filed afresh in case the petitioners wish to do so. The learned counsel for the petitioners therefore, seeks permission to withdraw both the petitions with liberty to file a fresh petition.

5. Allowed to withdraw both the petitions with liberty as above. Status -quo granted by this court in both the petitions shall continue for a period of three weeks from today.

DT.16.09.05 (S.A.BOBDE,J)

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